

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Terry M. Nelson et al. Examiner: Lam S. Nguyen
Serial No.: 10/660,324 Group Art Unit: 2853
Filed: September 10, 2003 Docket No.: 200310543-1
Title: LOCATION PATTERNS AND METHODS AND APPARATUS FOR
GENERATING SUCH PATTERNS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Madam:

This paper is being submitted in response to the Restriction Requirement mailed August 13, 2008. In that Action, the Examiner has restricted the application and has required an election.

According to the Office Action, the elected claims however contain claims directed to the following patentably distinct species/sub-species:

Species I: The invention is drawn to a printer system for printing a location pattern, wherein the system is arranged to modify the size or the shape of the dots in dependence upon the monitored variable.

Sub-Species IA: wherein the monitored variable is ambient temperature or humidity.

Sub-Species IB: wherein the monitored variable is the quantity of the ink supply.

Species II: The invention is drawn to a method of generating a location pattern comprising selecting characteristics of the pattern dots, requesting pattern information from a pattern database, generating a print file comprising pattern area, and printing the print file on a printer.

The species/sub-species are alleged to be independent or distinct because claims to the different species recite limitations being different characteristics and patentable over each other. In addition, these species are allegedly not obvious variants of each other based on the current record.

Moreover, the Office Action states that claims 5-9 depend from previously withdrawn (non-elected) claim 4 and, therefore, should be withdrawn as well.

In response to the Office Action, Applicants withdraw claims 5-9 without prejudice. Claim 25 is cancelled without prejudice or disclaimer. Based on the description of alleged Species and Sub-Species in the Office Action, claims 1-3, 11-17, and 26-32 appear to fall under Species I with claims 26 and 27 falling under Sub-Species IA and claims 1-3, 11-17, and 28-32 falling under Sub-Species IB. Claims 20-24 appear to fall under Species II.

Applicants provisionally elect Species I and Sub-Species IA with traverse. Applicants respectfully submit that a print system arranged to modify the size or the shape of the dots in dependence upon the monitored variable, where the monitored variable being temperature, humidity, or ink supply does not result in two patentably distinct sub-species, examination of which would undue burden on the Examiner. The Restriction Requirement fails to identify the allegedly different classes and subclasses for these subspecies. The Examiner is invited to furnish this information.

However, for furthering the prosecution without delay, Applicants have provisionally elected the above identified Sub-Species IA and withdrawn the remaining claims awaiting an action on the merits.

No fees are believed to be due.

Respectfully Submitted,

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Date: September 10, 2008

